

**CHAITMAN LLP**

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**Presentment Date: December 21, 2016 10:00 AM**

**Objection Date: December 16, 2016**

*Attorneys for Defendants David Gross and Irma Gross  
Individually and as Joint Tenants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID GROSS and IRMA GROSS Individually and  
as Joint Tenants,

Defendants.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04667 (SMB)

**DECLARATION OF HELEN DAVIS CHAITMAN IN SUPPORT OF  
UNOPPOSED MOTION TO WITHDRAW AS COUNSEL**

I, Helen Davis Chaitman, hereby declare as follows:

1. I am a partner with Chaitman LLP. Prior to September 18, 2015, I was a partner of Becker & Poliakoff LLP which served as counsel to Defendants David Gross and Irma Gross Individually and as Joint Tenants (the “Defendants”) in the above-captioned adversary proceeding (the “Action”).

2. On October 5, 2016 Chaitman LLP filed a Notice of Appearance on behalf of Defendants [ECF #61] in order to protect their interests despite not being able to come to an agreement regarding representation.

3. Chaitman LLP does not choose to represent the Defendants. I informed the Defendants that I do not choose to represent them.

4. On November 23, 2015, this Court entered an order authorizing Becker & Poliakoff LLP to withdraw as counsel to the Defendants [ECF #63].

5. On December 17, 2015 I filed a Notice of Presentment of an Order Granting Defendants Time to Retain New Counsel with supporting declaration and proposed order (“Notice of Presentment”) [ECF #67].

6. A hearing was held on January 27, 2016 regarding the Notice of Presentment.

7. At said hearing Baker & Hostetler agreed to not oppose Chaitman LLP withdrawing as counsel to Defendants.

8. On February 1, 2016 the Court issued an Order staying Action for 30 days [ECF #71] until February 26, 2016 to allow Defendants to retain new counsel.

9. To the best of my knowledge, Defendants have not retained other counsel.

10. As per the Court’s instructions at the January 27, 2016 hearing Chaitman LLP is now filing this Unopposed Motion to Withdraw as Counsel.

11. Accordingly, I respectfully request that the Court grant Chaitman LLP's  
Unopposed Motion to Withdraw as Counsel.

Dated: November 28, 2016  
New York, New York

/s/ Helen Davis Chaitman

**CERTIFICATE OF SERVICE**

I, Helen Davis Chaitman, hereby certify that I caused a true and correct copy of the foregoing document to be served upon the parties in this action who receive electronic service through CM/ECF. I certify that the foregoing is true and correct.

Dated: November 28, 2016  
New York, New York

/s/ Helen Davis Chaitman